

Senate Study Bill 3089 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED IOWA PUBLIC
INFORMATION BOARD BILL)

A BILL FOR

1 An Act relating to the accessibility and dissemination of
2 certain public meeting and public records information.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 20.17, subsection 3, Code 2016, is
2 amended to read as follows:

3 3. Negotiating sessions, strategy meetings of public
4 employers, mediation, and the deliberative process of
5 arbitrators shall be exempt from the provisions of chapter
6 21. However, the employee organization shall present its
7 initial bargaining position to the public employer at the
8 first bargaining session. The public employer shall present
9 its initial bargaining position to the employee organization
10 at the second bargaining session, which shall be held no
11 later than two weeks following the first bargaining session.
12 Both sessions shall be open to the public and subject to
13 the provisions of [chapter 21](#). Parties who by agreement are
14 utilizing a cooperative alternative bargaining process may
15 exchange their respective initial interest statements in
16 lieu of initial bargaining positions at these open sessions.
17 Hearings conducted by arbitrators shall be open to the public.
18 The appropriate public employer shall post notice of the
19 hearing at least twenty-four hours prior to the commencement
20 of the hearing at a location or in a manner that is easily
21 accessible to the public and clearly designated for that
22 purpose.

23 Sec. 2. Section 22.10, subsection 3, unnumbered paragraph
24 1, Code 2016, is amended to read as follows:

25 Upon a finding by a preponderance of the evidence that a
26 lawful custodian has violated any provision of this chapter
27 including by refusing to make government records available for
28 examination and copying by the public, a court:

29 EXPLANATION

30 The inclusion of this explanation does not constitute agreement with
31 the explanation's substance by the members of the general assembly.

32 This bill relates to the accessibility and dissemination of
33 certain public meeting and public records information.

34 PUBLIC EMPLOYMENT RELATIONS. Under current law, in a public
35 collective bargaining situation, certain hearings conducted by

1 an arbitrator shall be open to the public. The bill requires
2 the appropriate public employer to post notice of such hearings
3 at least 24 hours prior to the commencement of the hearing at a
4 location or in a manner that is easily accessible to the public
5 and clearly designated for that purpose.

6 PUBLIC INFORMATION. Iowa's open records law contains civil
7 enforcement provisions (injunction, civil penalties, removal
8 from public office) for violations of the law if a court finds,
9 by a preponderance of the evidence, that a lawful custodian
10 of a government record has violated any provision of the law.
11 The bill specifies that a lawful custodian who refuses to make
12 government records available for examination and copying by the
13 public is subject to those civil enforcement provisions.